

Exhibit O

In the Matter of:

CHRISTOPHER FAIN

vs

WILLIAM CROUCH, et al.

DR. DAN KARASIC

April 15, 2022

CONFIDENTIAL



5010 Dempsey Drive
Cross Lanes WV 25313
304-415-1122

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

CHRISTOPHER FAIN; ZACHARY
MARTELL; BRIAN McNEMAR, SHAWN
ANDERSON a/k/a SHAUNTAE ANDERSON;
and LEANNE JAMES, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs. Civil Action No. 3:20-cv-00740

WILLIAM CROUCH, in his official capacity as
Cabinet Secretary of the West Virginia
Department of Health and Human Resources;
CYNTHIA BEANE, in her official capacity as
Commissioner for the West Virginia Bureau for
Medical Services; WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN
RESOURCES, BUREAU FOR MEDICAL
SERVICES; JASON HAUGHT, in his official
capacity as Director of the West Virginia
Public Employees Insurance Agency; and
THE HEALTH PLAN OF WEST VIRGINIA, INC.,

Defendants.

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VIDEOTAPED DEPOSITION OF DR. DAN KARASIC
BY VIDEO CONFERENCE

The videotaped deposition of Dr. Dan Karasic was taken on April 15, 2022,
at 12:02 p.m., at 5010 Dempsey Drive,
Cross Lanes, West Virginia.

ELITE COURT REPORTING, LLC
5010 Dempsey Drive
Cross Lanes, West Virginia 25313
(304) 415-1122

Martha Journey, CSR

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2

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Witness

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Dr. Dan Karasic

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Examination

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by Mr. David

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Reporter's Certification
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1 A. Yes. I'm familiar with the process to
2 get to gender incongruence by the World Health
3 Organization for ICD. But the United States,
4 in terms of ICD adoption, is way behind the
5 rest of the world. So we only -- we were using
6 ICD-9 which was adopted by -- you know, was
7 created around 1975, up until just a few years
8 ago. And then we moved to ICD-10 while they
9 were already working on its replacement.

10 So just our CMS - Center for Medicare
11 and Medicaid Services - it is just very slow in
12 new adoption of -- and so they have their own
13 ICD CM, which is the American -- it's the
14 ICD-10-CM, which is the American version of the
15 ICD that's in use here. I don't know whether
16 I'll still be in practice when ICD-11 is
17 adopted -- or alive, when the ICD-11 is adopted
18 in the United States.

19 Q. Okay. So it sounds like it might not
20 matter for practical purposes in the United
21 States anytime soon. But under ICD-11, for
22 gender incongruence -- if I'm understanding
23 that diagnostic code correctly, there is no
24 requirement of clinically significant distress